

COMMISSIONERS APPROVAL

CHILCOTT *ay*

LUND *beta*

THOMPSON *at*

TAYLOR (Clerk & Recorder)

Date.....July 11, 2006

Members Present.....Commissioner Greg Chilcott and
Commissioner Alan Thompson

Minutes: Glenda Wiles

The Board met with Environmental Health Director Theresa Blazicevich in regard to an update on the Water Quality District and a Resolution of Intent to Create a Water Quality District in Ravalli County. After the resolution, the citizens have a 30-day protest period. If more than 20% of the citizens protest, the Commissioners can either take the district to a vote or the district fails. Theresa held six public meetings in the valley. 10-15 people turned out at each meeting. Most of the people who attended the meetings were supportive of the district.

Theresa stated this proposed district covers the whole County. She has visited with personnel in the incorporated towns and cities; those being Hamilton, Darby and Pinesdale. If the Resolution of Intent is passed, the cities pass a Resolution of Concurrence. If they do not sign, then they are not part of the district and do not obtain the benefit of the district.

Fees, district boundaries and work plans are proposed. If the district is formed, it is run by a Board, which includes a Commissioner, a member of the Conservation District, a Board of Health Member, and two other members, who could be citizens. The fees would pay for a hydrologist and work plans that include, but are not limited to: centralizing the water quality data into a Geographical Information System, investigation of sources for ground water degradation, which causes pollution. The hydrologist would be an employee of the district, not a County employee, but could be housed at a County office.

The fees come from each household or water user, such as a commercial or industrial unit. The fees do not come from irrigation or agricultural water users. Theresa stated she believes this district should be educational, not regulatory. Theresa stated right now our water is relatively clean, but they are seeing certain pockets of water that need to be tested and cleaned up.

The Commissioners concurred this is an important move forward for the community. Commissioner Thompson made a motion to adopt the Resolution of Intent to Create a Water Quality District in Ravalli County. Commissioner Chilcott seconded the motion and all voted "aye".

In other business the Board met with Civil Counsel James McCubbin and County Attorney George Corn in regard to the codification project for the County. Issues of discussion included the progress of the project through Sterling Codifiers and budget issues. James stated the County has received a preliminary draft of the codification, which the Commissioners have started to review. Due to other activities within the County Attorney's Office they have not continued their review. Currently the County is behind the time line for codification. Time is needed for continued legal review of the questions raised. James stated he estimates a number of full days of research are needed. George stated he does not see that all Commissioners should review this. Rather, he suggests one person makes the review with a report to the Commissioners. It was agreed that state law has changed and some of the ordinances are not even enforceable. George suggested they contract the legal review out to another attorney. Then the recommendations need to be made to the Commissioners. George agreed this process needs to be continued, but it is not the highest priority.

The contract with Sterling Codification was discussed, which included payment according to the contract. James stated the County is behind in their time line and understandably so; Sterling Codifiers should receive some payment for their work.

James stated they are holding off on new ordinances such as the large and special events, animal protection and pawn ordinances. In order to move forward on those ordinances this codification needs to be completed. Currently Ravalli County is not in compliance with Montana Code. George stated since this codification process is taking so long, the Commissioners might want to move forward on the other ordinances that are proposed because he does not see any 'light at the end of the tunnel', as far as the workload in his office is concerned. It was agreed that he and James would get together in the next week or so, see where they are in the process and then come back to the Commissioners with their suggestions on how to proceed.

Discussion also included the pending animal control ordinance. James stated he has not reviewed the latest submittal of the animal control ordinance.

In other business the Board met for various administrative matters as follows:

Commissioner Thompson made a motion to grant final approval to the Langeslag Subdivision. Commissioner Chilcott seconded the motion and all voted "aye".

The Board discussed the request to close Meyers Lane for a Blues Festival that is coming in July. James stated under the statute, the County has the power to control County roads. Commissioner Chilcott stated this is a private festival that is charging the public gate fees. He asked if the County should and could charge for the services of road

personnel to place and remove the 'road closed' signs. James stated there is nothing in the statute that prohibits charging a member of the public for those services. Commissioner Chilcott will contact the Road Supervisor to identify the fees based on actual costs of services. Commissioner Thompson made a motion to allow the closure of Meyers Lane for the Blues Festival in conjunction with the Road Department and payment of personnel for placing and removing road closure signs. Commissioner Chilcott seconded the motion and all voted "aye"

Commissioner Thompson made a motion to execute the lease agreement on hangar # 347 for Gin-El LLC. (JoEllen Jessop previously leased this). Commissioner Chilcott seconded the motion and all voted "aye".

The Board met with Planning Director Karen Hughes, Planner Tristan Riddell, Civil Counsel James McCubbin and Hollis Poe. Hollis has requested a minor deviation from his preliminary plat. The request deals with installation of a dry hydrant for the Corvallis Rural Fire District. The proposal is to pay \$500.00 in lieu of a dry hydrant. Hollis stated he met with the Fire Chief and therefore a letter was prepared for the Fire Chief's signature granting their approval of this deviation. He stated the Corvallis Fire Department does not have a water pumper that could even pump that high a volume and they are in need of monies for their new fire hall. Commissioner Thompson made a motion to grant this minor deviation and sign the final plat for approval of this subdivision. Commissioner Chilcott seconded the motion and all voted "aye".

The Board met to review the Grants Meadows Subdivision Improvement Agreement Extension Request. Present at this meeting was Planning Director Karen Hughes, Planner John Lavey and Planner Tristan Riddell. The request was due to corrections in the sewer system pump system, completion of gravel and paving, due to scheduling.

Commissioner Thompson made a motion to grant this extension on Grants Meadows Subdivision until the end of August, 2006, with a written addendum addressing the extension being generated by Planner John Lavey. Commissioner Chilcott seconded the motion and all voted "aye".

In matters otherwise not on the agenda, Bob Frost and Lorraine Crotty left information on the recall petition for a member of the City Counsel, which they believe to be illegal. They stated they made a complaint to Sheriff Hoffman on June 16th and they have not heard anything from the Detective on the complaint. Lorraine stated the issue is over a claim by Bob Scott for per diem travel, which was never paid to Bob so there should not be any complaint against Bob. She stated the recall petition is a sworn statement by Carol Schwan, who submitted a false statement in regard to the recall petition, thus perjuring herself. They asked the Commissioners to intervene on their behalf in order to receive a response on their request for information. Commissioner Chilcott stated the Sheriff is an elected official and the Sheriff has his own priorities on handling complaints. He stated the Commissioners have no authority to direct the Sheriff, but he will visit with Sheriff Hoffman about Bob and Lorraine's concerns.

Lorraine stated they have left numerous calls and they are being ignored. She stated they would like to know if they are working on the complaint or not. Lorraine and Bob thanked Commissioner Chilcott for his assistance.

In other business the Board met with Fair Manager Gary Wiley and Insurance Agent of Record Fred Thomas in regard to insurance issues at the fair. Also present was Administrative Director Skip Rosenthal and Civil Counsel James McCubbin. Items of discussion were the issue of the types of claims, the ability for the small businesses to participate in fair activities and the possibility of a hold-harmless agreement. Fred discussed the need to have all vendors sign an 'additionally insured form' which addresses and stops the liability from the County perspective. He stated he is not sure they want to involve themselves in a hold-harmless agreement, as it brings the insurance company into the incident where the insurance issue needs to become involved directly with the vendor.

The Board discussed blending the high and medium exposure into one requirement and the low and light exposure to include the language that requires the hold-harmless agreement and the 'additionally insured'. Changes in the agreement with vendors were made from the MACo Insurance form, which included the changes in the exposure requirements.

Commissioner Thompson moved to adopt the fair insurance policy, as discussed this date (changes as noted by Civil Counsel as attached by page 5). Commissioner Chilcott seconded the motion and all voted "aye".